

ORIGINAL

(14)

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SC

DMB:KLM:sg:2001V00253

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIAFILED
HARRISBURG

APR 30 2001

MARYE D'ANDREA, CLERK
DEPUTY CLERKMARK GARNES,
Plaintiff

v.

JANET RENO, et al.,¹
Defendants:
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:
:
:
:Civil No. 1:CV-00-0700
(Caldwell, J.)MOTION FOR ENLARGEMENT OF TIME

Defendant Fegley asks the Court for a fourteen-day enlargement of time, pursuant to Fed. R. Civ. P. 6(b), in which to file his responsive pleading. Defendant states the following in support thereof:

1. Plaintiff, Mark Garnes, is an inmate incarcerated at the Federal Correctional Institution in Fort Dix, New Jersey.

2. The complaint is a Bivens action against Inmate Systems Management Staff Officer Fegley employed at the Federal Correctional Institution Allenwood, in White Deer, Pennsylvania. ("FCI Allenwood") Garnes alleges that he was denied access to the courts when his legal property did not arrive with him when he was

¹By Order dated February 15, 2001, the Court dismissed three of Garnes' claims for failure to state a claim upon which relief may be granted and dismissed fourteen Bureau of Prisons defendants. The Court allowed the remaining claim against defendant Fegley to proceed.

transported to the Metropolitan Detention Center ("MDC") in New York to litigate a \$2255 motion. Garnes seeks compensatory and punitive damages.

3. In order to appropriately respond to Garnes' allegations, the undersigned requested litigative assistance from agency counsel at FCI Allenwood. Agency counsel has been working with MDC New York to obtain the needed materials to respond to the allegations in the complaint. As such, agency counsel has been unable to finalize the requested litigation report.

4. It is believed that the Bureau of Prisons will be able to provide all pertinent documents and that the undersigned will be able to submit defendant's responsive pleading on or before May 15, 2001.

5. Defendant submits that Garnes will not be prejudiced by this enlargement of time as it will allow the Bureau of Prisons and the undersigned additional time in which to prepare a brief which is thorough and complete in all respects.

WHEREFORE, the defendant requests a fourteen-day enlargement of time until May 15, 2001, in which to file his responsive pleading.

Counsel certifies that she has not sought the concurrence of plaintiff because the plaintiff is a prisoner proceeding pro se.
M.D. Pa. Local Rule 7.1.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney



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Dated: April 30, 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MARK GARNES, :
Plaintiff :
 :
v. : Civil No. 1:CV-00-0700
 : (Caldwell, J.)
JANET RENO, et al., :
Defendants :

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.


That on April 30, 2001, she served a copy of the attached

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Mark Garnes
Reg. No. 24646-053
FCI Ft. Dix West
Unit 5811
P.O. Box 7000
Ft. Dix, NJ 08640



SHELLEY L. GRANT
Paralegal Specialist